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Testimony of Jean Mills Aranha, Connecticut Legal Services In Support of SB1157 - An Act Concerning Funding For Legal Services And Judicial Branch Technology March 26, 2009

Good Morning, Chairs and Members of the Judiciary Committee. My name is Jean Mills Aranha; I am an elder law attorney with Connecticut Legal Services in Stamford. I am here today to testify in support of Senate Bill 1157, on behalf of our clients – the many thousands of people in Connecticut who have no place else to turn for civil legal services. They include survivors of domestic violence, children struggling with behavioral health issues and people living with disabilities.

For almost 20 years before joining Connecticut Legal Services (CLS), I was a trusts and estates attorney in Stamford and Greenwich. I was a regular contributor to Connecticut Legal Services and I often did pro bono or reduced fee work for people who couldn't afford my fees. I was and am a supporter of our local Shelter for the Homeless and other organizations serving the poor. I thought I was pretty well informed about the lives of poor people in our state. Then, in January of last year, I left Shipman & Goodwin and took a staff attorney position with Connecticut Legal Services. And I began to learn in very specific detail that I knew very little about how our most vulnerable citizens live every day. The depth and breadth of their problems, and the courage with which they face them, amazes me every day.

And there are a lot of them. Based on the 2000 census, the CLS service area contains some 190,000 people financially eligible for our services; many of them have multiple legal issues. The number of people becoming poor enough to qualify for help can only increase in the current economy. We currently have 55 attorneys on staff to meet that need. We have voluntarily taken pay cuts to buy some time to resolve the funding crisis created by the collapse of IOLTA funds, but without the funding from this bill, CLS will have no choice but to institute significant layoffs, further reducing the help available to the poor. Please do not let this happen. They need your help.

I am sure that many of you have read of some of the big, systemic cases CLS has worked on over the years, including the recent class action case to obtain access to adequate dental treatment for Connecticut's poor children. But in my elder law practice, there tends to be a constant stream of smaller, individual cases, which are nonetheless critically important to the individuals involved. These are elderly women and men, some in their eighties and nineties, many of whom have worked all their lives, who now find themselves living on a few hundred dollars a month. This does not go far in lower Fairfield County. I'd like to share with you some details of a few of my cases over the last year.



An eighty-year-old woman called me, frantic because her bank account had been frozen. Years earlier, she had added her grandson to her account, so that he could get money for her while she was ill and unable to get out. Unbeknownst to her, her grandson was in arrears in his child support payments. The Child Support Enforcement office had learned that he was a joint account holder, and froze the grandmother's account, which received only the direct deposit of her Social Security checks. She had no access to money for food, or more important to her, to pay her rent on time, as she had done every month of her adult life. The bank told her she needed a court order to get the funds released. We were able to get her funds released in four days, without going to court at all.

In another case, a seventy-year-old Vietnam War veteran was seriously injured. He had never asked for or received a single dollar of benefits from the state or federal government. Now, he needed Medicaid coverage for his hospital stay. He was denied that coverage because he could not produce his birth certificate from Puerto Rico. The Puerto Rican authorities told him that they could only issue a new certificate if he appeared in person – something he had neither the health nor the money to do. We immediately contacted the DSS worker and pointed out that his military papers were a legally sufficient alternative means of identification. Ultimately, one of our bilingual legal assistants was able to get a certified copy of his birth certificate issued by mail, which helped him apply for elderly housing. This veteran is now living in dignity and security in public housing, receiving food stamps and medical assistance, the benefits to which he is entitled from a nation he served in his youth.

We are also seeing an increasing number of cases of nursing home residents who are being discharged in violation of their rights under both federal and state law. We find that these are often patients who have needs for extra attention from staff, or who have challenging behaviors. In one case, a client was sent to a hospital for a medical emergency. When the hospital had treated her and was ready to send her back to the nursing home, the home claimed that it could not care for her – despite the fact that it had been doing just that for the last year. To add insult to injury, their attorney took the position that the resident was not entitled to a hearing because they had not discharged her! We took the case to a fair hearing, and ultimately the case was settled when the nursing home agreed to take their resident back, and to provide the care she needed.

Civil legal aid provides low-income and vulnerable people with meaningful access to justice. These services can be as simple as educating clients about their rights and responsibilities. More complex problems may require more extensive representation. There is a great divide between those who can afford a lawyer and those who cannot. The elderly are particularly vulnerable, many on fixed incomes, home bound and technologically challenged, and unable to address and navigate service systems. Because there is currently no right to an attorney in civil matters, Legal Services is the primary source of civil justice representation to those who cannot afford it.

As I said at the beginning of my testimony, I am new to legal services. I am privileged to stand shoulder to shoulder with an exceptional group of attorneys at Connecticut Legal Services, some of whom have been laboring in these fields for decades, for incredibly modest compensation. A great and brave American hero and activist, Rosa Parks, once said, "I would like to be known as a person who is concerned about freedom and equality and justice and prosperity for all people." She stood up for those principles and changed the world. We at legal services work on those same concerns day by day, person by person, case by case. I hope you will help us continue this work.

Thank you for your time and support.